

FILED

08 MAR 20 PM 12:18

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MM
DEPUTY

1 Chad McKinney
2 Pro Se
3 6266 Madeline St Apt #61
4 San Diego, CA 92115
5 619-634-3566

THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

6 CHAD MCKINNEY, an individual,

10 Plaintiff,

14 v.

16 APOLLO GROUP INC., UNIVERSITY OF
17 PHOENIX, a Corporation, MECHELLE
18 BONILLA, an Enrollment Manager at
19 UNIVERSITY OF PHOENIX, KYAN
20 FLYNN, Director of Enrollment at
21 UNIVERSITY OF PHOENIX, APRIL
22 ALCORN, an Employee Relations
23 Consultant at UNIVERSITY OF PHOENIX
24 CARLYN LINDSTEN, Associate Director of
Enrollment at UNIVERSITY OF PHOENIX

22 Defendants

) CIV. Case No.07-cv-2373
)
) FOR VIOLATION OF FEDERAL
) FALSE CLAIMS ACT AND FOR
) VIOLATION OF THE
) THE CIVIL RIGHTS ACT 1964 AND
) THE AMENDMENTS TO TITLE
) VII OF THE CIVIL RIGHTS ACT OF
) 1991

) RETALIATION- WRONGFUL
) TERMINATION &
) EMPLOYMENT DISCRIMINATION
) CIVIL ACTION

) Memorandum of Points and
) Authorities in Support of Plaintiff's
) Motion for Default

) Demand for Trial by Jury Pursuant
) to U.S. Constitution, 7th Amendment

) March 20, 2008

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT PLAINTIFF'S
MOTION FOR DEFAULT**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and any other relevant Federal Rule of Civil Procedure pertaining to this case, plaintiff Chad McKinney, Pro Se, respectfully moves the Court to enter a default against the defendant April Alcorn, in the amount of \$25,000 since the Defendant has failed to plead or otherwise defend herself against the plaintiff's original complaint within the timeframe required by the Federal Rules of Civil procedure. The Complaint was originally filed with the Court on December 19th 2007 and entered December 20th. The defendant was served on February 26, 2008. (Please see copy of Return of Service).

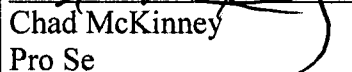
In support of this motion, the Plaintiff states with supporting evidence:

1. This complaint was filed on December 19, 2007
2. This complaint was properly served on February 26, 2008
3. As of the 18th of March 2008, the Defendant is late 22 days.
4. The plaintiff's complaint requests punitive damages of \$25,000, so a default judgment in this amount should be deemed reasonable.
5. Said defendant is not an infant or incompetent, but an individual who was given ample time to respond within the timeframe required by the Federal Rules of Civil Procedure.

No extra time was requested by the defendant nor granted by the Court.

1 WHEREFORE, the Plaintiff respectfully request that this Court issue and Order a Default
2 against the Defendant in the amount of \$25,000 to reasonably cover the damages
3 incurred by the plaintiff.
4

5 Respectfully submitted,

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7 
Chad McKinney
Pro Se
8 6266 Madeline St Apt #61
9 San Diego, CA 92115
619-634-3566
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AO 440 (Rev. 10/93) Summons in a Civil Action

UNITED STATES DISTRICT COURT

THE UNITED STATES DISTRICT COURT SOUTHERN

District of California

Chad McKinney, Pro Se

SUMMONS IN A CIVIL CASE

V.

APOLLO GROUP INC., UNIVERSITY OF PHOENIX, a Corporation, MECHELLE BONILLA, an
Enrollment Manager at UNIVERSITY OF PHOENIX, KYAN FLYNN, Director of Enrollment at
UNIVERSITY OF PHOENIX, APRIL ALCORN, an Employee Relations Consultant at UNIVERSITY OF
PHOENIX, CARLYN LINDSTEN, Associate Director of Enrollment at UNIVERSITY OF PHOENIX

CASE NUMBER:

07 CV 2373 WQH CAB

TO: (Name and address of Defendant)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Chad McKinney, Pro Se
6266 Madeline Street Apt. No. 61
San Diego, Ca 92115-5630

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

W. SAMUEL HAMRICK, JR.

JAN 13 2008

CLERK

DATE

(By) DEPUTY CLERK

CHAD MCKINNEY
 6266 MADELINE STREET #61
 SAN DIEGO CA 92115-5630
 (619) 634-3566
 Bar# 0

IN THE UNITED STATES DISTRICT COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF SAN DIEGO

CHAD MCKINNEY

Plaintiff

NO. 07CV2373WQH CAB

vs.

AFFIDAVIT OF SERVICE

APOLLO GROUP INC., ET AL

Defendant

STEVE INEICH, A.C.P.S.

, being duly sworn, states: that he/she is duly qualified to serve process in this cause, having been so appointed by the court, that he/she received the following document(s) in this action:

SUMMONS, COMPLAINT & COVER SHEET

from CHAD MCKINNEY on 02/13/08, attorney(s) for the PLAINTIFF;
 that he/she personally served the same upon the party/parties in the manner named below:

NAME: APRIL ALCORN

DATE & TIME: 02/26/08 1:33 PM

PLACE : 4615 EAST ELWOOD STREET PHOENIX, AZ 85040

MANNER: By leaving ONE true copy(ies) of the above documents with REBECCA SPRINGFIELD, SECURITY, AUTHORIZED.

WORK: UNIVERSITY OF PHOENIX

Described as female, age 50, CAUC, 5ft. 7in. tall, 150lbs. BROWN eyes, BLACK hair,

Statement of Costs

Service	\$ 16.00
Mileage	\$ 25.00
Document Prep	\$ 11.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
Total	\$ 52.00

STEVE INEICH, A.C.P.S. Process Server registered in MARICOPA County

Subscribed and sworn to before me on

02/27/08



Notary Public

Frontier Private Process Service 1145 West McDowell Road Phoenix, AZ 85007 (602) 258-0022
 10802285-01 4783 10102

1 Chad McKinney
2 Pro Se
3 6266 Madeline St Apt #61
4 San Diego, CA 92115
5 619-634-3566

6 **THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA**

7 **March 20, 2008**

8 **BY HAND DELIVERY**


9 The Honorable Judge William Q. Hayes
10 Referred to: Magistrate Judge Cathy Ann Bencivengo
11 330 West Broadway, San Diego
12 CA 92101-3827

13 Re: McKinney v. Apollo Group Inc., *et al*
14 Civil Action 07-cv-2373

15 Dear Judge Hayes,

16 Enclosed is a courtesy copy of the Plaintiff's Motion for Clerk's Entry of Default and appendices that
17 was hand delivered with the Clerk today.

18 Respectfully,

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20 Chad McKinney, Pro Se

21 Cc: Apollo Group, Inc., Attention of: April Alcorn
22
23
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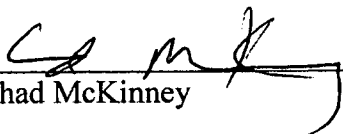
CERTIFICATE OF SERVICE

I, Chad McKinney, hereby certify that on, March 20, 2008, I served copies of the motion for clerk's entry of default on the following parties by way of United States Postal Service First Class Mail:

Apollo Group, Inc.
Attention of: April Alcorn
4615 E. Elwood St.
Phoenix, AZ 85040

3/20/2008

Date


Chad McKinney

The United States District Court Southern District of California